

To: County Assembly of Kitui
C/O The Clerk Kitui County Assembly
County Assembly Buildings P.O Box 694 - 90200, Kitui, Kenya



PETITION TO COUNTY ASSEMBLY UNDER ARTICLE 185 OF THE CONSTITUTION AND COUNTY GOVERNMENT ACT NO 17 AND 40 OF 2012, ARTICLE 73 OF THE CONSTITUTION, ARTICLE 74 OF THE CONSTITUTION.

We the undersigned, Citizens of Kenya and Kitui County representing ourselves and the people of Kitui County

DRAW the attention of the County Assembly to the following:

1. The Constitution of Kenya 2010 reposes all sovereign authority in the People of Kenya.
2. The People of Kitui County have delegated legislative, representative and oversight authority to the County Assembly as representatives of the People.
3. Public Officers are entrusted with powers to protect people's interests as enshrined in the Constitution in accordance with Chapter Six of the Constitution and the Leadership and Integrity Act, 2012
4. That the County Assembly has failed in its task to oversight the County Executive and as such allowed wanton corruption and ineffective use of public resources and unfair distribution of County projects and discriminatory employment practices.
5. That the Speaker of the County Assembly has failed as the Head of the County Assembly and engaged in corrupt practices and misconduct in his execution of the duties of his office and hence needs to resign or else the MCAs immediately commence a motion of Impeachment on the Speaker.
6. That failure to do the above within Seven(7) days, then we as residents of Kitui and being aggrieved by the above issues plan to hold a peaceful demonstration in Kitui town 10 days from the date of this petition.





Grounds on which this petition is based.

1. THAT all the appointments of County Executives and County Officers by the Governor of Kitui have not been fair and transparent.
2. THAT the appointments demonstrate a big bias where the governor appointed close family members and rewarded his campaign team with senior appointments rather than giving a fair chance for everyone to compete for the jobs.
3. THAT the County Assembly which is the constitutionally mandated body to curtail people from unfair treatment did nothing in the face of overwhelming evidence.
4. There have been widespread allegations of fraud and corruption since the new government took over. This has gone largely unchecked because part of the County Assembly has been compromised and therefore failed to do anything to check these incidents of mass looting.
5. THAT Kshs 360, million was fraudulently paid by Treasury in November 2022 to Kitui County Assembly. This money was misappropriated by County officials.
6. THAT the supplementary budget was tampered with to show a hole of Kshs 830 million. It was presented to the County Assembly for debate and passing. Meanwhile, the Executive took advantage of the already passed 2022/2023 budget and continued making commitments on it while the supplementary budget continued gathering dust at the County Assembly.
7. THAT the Speaker being in the know, and working with the Executive delayed the passing of the budget, such that by the time it was finally passed, adjustments had to be done to reflect the new balance.
8. THAT the practice is that after a change of regime, former officials must wait until a supplementary budget is done by the new regime to align its expenditure to its manifesto.
9. THAT this was not done in Kitui. Instead, they continued appropriating the budget with the blessings of the Governor. The purpose of this was to recover money spent on elections campaign by the Governor. This is pure corruption. The Speaker of the County Assembly was part of this scam and facilitated it for his personal gain and that of the Executive.

10. THAT it is a fact that the Kshs 360 million was paid to contractors that financed Governor Malombe's campaign through fake vouchers.
11. THAT the Speaker of the County Assembly no longer has the capacity nor the will to guide the County Assembly on the Constitutional role of overseeing the Executive. His personal interests and ego are grossly in conflict with the work he was elected to do.
12. THAT rather than guide the Assembly to oversight the Executive, he is now the middleman, passing on the demands of the Executive to the Assembly and vice versa.
13. THAT when the issue of CLIDP projects was brought to our attention, we learnt how County officers had conspired and demanded a 5% kickback to award the projects.
14. THAT to reward the MCAs, the Executive through the Speaker had arranged to give 20 MCAs some projects without having to go through the normal evaluation process. But unfortunately this never materialized, and during their retreat in Mombasa, this issue was raised.
15. THAT the issue of Kitui sand cartels lies squarely on the County Assembly as legislative arm of the County Government.
16. THAT it is the County Assembly that can lay down the structures on how illegal sand harvesting can be eliminated in Kitui, and how sand harvesting can be regulated to reduce destruction of the environment, and yet benefit the communities from where sand is harvested.
17. THAT the fact that the main people involved in the illegal sand harvesting are linked to the Executive and indeed all the way to the Governor's relatives should be addressed as a very serious matter by the County Assembly.
18. THAT if anything, these are matters of gross misconduct and violation of the constitution by the Governor and are enough grounds for impeachment.

THEREFORE, your humble Petitioners PRAY that the county Assembly and County Government:

- a) That this Petition be dealt with immediately in view of the urgency of this matter.
- b) That the County Assembly halt the procurement process of the CIIDP projects
- c) That the County Assembly with immediate effect takes up its oversight role to check on the various issues of corruption in the Executive as highlighted.
- d) That the County Assembly commences within 7 days an impeachment motion against the Speaker of the County Assembly for gross misconduct and misuse of office among other charges.
- e) That the County immediately initiates an audit on the suitability of the Financial adviser to Governor Mr. Bernard Katungi to hold this office due to many allegations of corruption against him.
- f) That the County Assembly must as a matter of urgency work to solve once and for all this sand issue.
- g) That the County Public Service Board be disbanded for its unfair distribution and recruitment of County Staffs.

No.	NAME OF PETITIONER	FULL ADDRESS	NATIONAL ID/PP NO	SIGNATURE
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